# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/027,686 | 12/21/2001 | Peter A. Tenercillo | 3239P099 | 2082 |

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| EXAMINER |
|---|
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| | 10/027,686 | TENEREILLO ET AL. |
| **Office Action Summary** | Examiner | Art Unit | |
| | Kevin Bates | 2155 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>29 June 2007</u>.

2a)☒ This action is **FINAL**.        2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All  b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## Response to Amendment

This Office Action is in response to a communication made on June 29, 2007.

Claims 1, 2, 7, and 13 have been amended.

Claims 1-20 are pending in this application.

## Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 7, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims contain the limitation of determining a proximate local domain based on subsequent accesses to download data. It is unclear from the claims how a the closest domain is determined now, by accesses to the server that the client will make in the future.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah (6292832) in view of Still (6718390), and in further view of Beckerman (6029200).**

**Regarding claims 1 and 7**, Shah discloses a method comprising: retrieving data by one of a plurality of personal content directors each associated with a separate local domain (Figure 5, element 506, 510, 514, and 518; Column 8, lines 7 – 9; lines 18 – 21), (Column 8, lines 1 – 6); and determining a most proximate local domain for a client based on subsequent accesses to download data accessible <u>by selection of</u> the absolute links (Column 17, lines 52 – 64).

Shah does not explicitly indicate that the data includes a plurality of relative links; translating the plurality of relative links by the one of the plurality of personal content directors into a corresponding plurality absolute links that collectively point to the local domains associated with the plurality of personal content directors <u>and downloads those plurality of absolute links to the client</u>, each absolute link directing a corresponding relative link to a local domain by further including a domain name and translating the relative links to point to at least two of the content directors.

Still discloses a system for redirecting client requests to a more optimal server, which discloses retrieving data and if that data has a plurality of relative links (Column 4, lines 58 – 60), translating the plurality of relative links into a corresponding plurality absolute links that collectively point to the local domains <u>and downloads those plurality of absolute links to the client</u> (Column 4, lines 60 – 63) by one of the content directors (Column 2, lines 23 – 31) and that each absolute link being a superset of a

corresponding relative link by further including a domain name (Column 8, lines 11 – 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Still's teaching in Shah's redirector system in order to manage which server the user interacts with, while the client can operate like its communicating with just one server (Column 3, lines 27 – 30).

Beckerman teaches a system that takes a hyperlink and responds with absolute links in the form of a reference file (Column 4, line 63 – Column 5, line 13), that file contains a plurality of absolute links which correspond to one or more servers that contain the same resource <u>and downloads those plurality of absolute links to the client</u> (Figure 5, element 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Beckerman's teaching to provide a plurality of links corresponding to the same resource located on more than one server in order to allow the server issue more than one possible connection link in case of connection problems, while maintaining a preferred connection order.

**Regarding claim 2**, which depends on claim 1, Shah discloses that determining of the most proximate local domain, comprises transmitting data the client; measuring return trip time values by the plurality of personal content directors during the downloading of the data accessible through the absolute links (Column 9, lines 47 – 55); and reporting the return trip time values <u>by at least two of the personal content directors</u> to the one of the plurality of personal content directors (Column 9, lines 56 – 65).

**Regarding claim 3**, which depends on claim 2, Shah discloses that prior to reporting the return trip time trip values, the method further comprising: storing the return trip time values client network cache each the plurality of personal content directors (Column 10, lines 43 – 51, if the devices calculate the RTT, then they have to have memory to cache while its calculating and being reported).

**Regarding claim 4**, which depends on claim 1, Shah discloses that the method further comprises: initiating a HTTP GET request by the client; and routing the HTTP GET request to the one of the plurality personal content directors (Column 7, lines 59 – 65; Column 8, lines 31 – 35).

**Regarding claim 5**, which depends on claim 4, Shah discloses that the routing of the HTTP GET request is conducted a domain name server (Column 7, lines 59 – 65).

**Regarding claim 8**, which depends on claim 7, Shah discloses that the memory includes a client network cache to store an Internet Protocol address and subsequently measured return trip time (RTT) values for each local domain (Column 9, lines 56 – 65).

**Regarding claim 9**, which depends on claim 7, Shah discloses that the processor measures a return trip time (RTT) value experienced during a downloading of data associated with an absolute link pointing the local domain (Column 9, lines 47 – 55).

**Regarding claim 10**, which depends on claim 9, Shah discloses that the processor further transmits the measured RTT value to a synchronizing personal content director (Column 9, lines 56 – 65).

**Regarding claim 11**, which depends on claim 9, Shah discloses that the

processor further receives at least one measured RTT value from another remotely

located personal content director during a communication session (Column 9, lines 56 –

65).

**Regarding claim 13**, Shah discloses a network comprising: client to transmit a

request for retrieval web page (Column 7, lines 59 – 65); and least two personal content

directors (PCDs) capable of being in communication with the client (Figure 5, element

506, 510, 514, and 518; Column 8, lines 7 – 9; lines 18 – 21), first PCD of the at least

two PCDS retrieve the web page and measure a return trip time (RTT) value for

handling a request to download data accessed by the absolute link directed to the local

domain associated with the first PCD (Column 9, lines 47 – 55) <u>and receiving the return</u>

<u>trip time values by a second PCD for use in redirection of subsequent request for</u>

<u>content by the client</u> (Column 17, lines 52 – 64).

Shah does not explicitly indicate that the data includes a plurality of relative links;

translating the plurality of relative links associated with the web page into a

corresponding plurality absolute links that collectively point to the local domains

associated with the plurality of personal content directors, each absolute link directing

corresponding relative link to a local domain by further including a domain name and

translating the relative links to point to at least two of the content directors.

Still discloses a system for redirecting client requests to a more optimal server,

which discloses retrieving data and if that data has a plurality of relative links (Column 4,

lines 58 – 60), translating the plurality of relative links associated with the web page into

a corresponding plurality absolute links that collectively point to the local domains

(Column 4, lines 60 – 63) and that each absolute link being a superset of a

corresponding relative link by further including a domain name (Column 8, lines 11 –

15).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Still's teaching in Shah's redirector system in order to

manage which server the user interacts with, while the client can operate like its

communicating with just one server (Column 3, lines 27 – 30).

Beckerman teaches a system that takes a hyperlink and responds with absolute

links in the form of a reference file (Column 4, line 63 – Column 5, line 13), that file

contains a plurality of absolute links which correspond to one or more servers that

contain the same resource (Figure 5, element 62).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Beckerman's teaching to provide a plurality of links

corresponding to the same resource located on more than one server in order to allow

the server issue more than one possible connection link in case of connection problems,

while maintaining a preferred connection order.

**Regarding claim 14**, which depends on claim 13, Shah discloses that the

system further measures a RTT value for handling a request to download data

accessed by the absolute link directed to the local domain associated with the second

PCD (Column 9, lines 56 – 65).

**Regarding claim 16**, which depends on claim 13, Shah discloses a domain

name server to receive an initial request for retrieval of the web page and to route the

initial request the first PCD operating as a synchronizing PCD (Column 7, line 59 –

Column 8, line 6).

**Regarding claim 17**, which depends on claim 13, Shah discloses that the

second PCD of the at least two PCDS transmits the value measured by the second

PCD to the first PCD (Column 9, lines 56 – 65).

**Regarding claim 18**, which depends on claim 17, Shah discloses that the first

PCD determines a most proximate local domain to the client by comparing the RTT

values measured by the at least two PCDS and selected the most proximate local

domain being the local domain associated with one of the at least two PCDS measuring

a RTT value with the shortest duration (Column 10, lines 43 – 51).

**Regarding claim 19**, which depends on claim 13, Shah does not explicitly

indicate that that each the plurality of absolute links translated the first PCD are tagged

links including a Uniform Resource Locator (URL) tag.

Still discloses that each the plurality of absolute links translated the first PCD are

tagged links including a Uniform Resource Locator (URL) tag (Still, Column 5, lines 31 –

36).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Still's teaching in Shah's redirector system in order to

manage which server the user interacts with, while the client can operate like its

communicating with just one server (Column 3, lines 27 – 30).

**Regarding claim 20**, which depends on claim 19, Shah discloses that a switching device coupled to the at least two PCDS and communication with the client, the switching device to detect the URL tag within the request to indicate that the request is intended for measuring the RTT value (Shah, Column 7, line 59 – Column 8, line 6).

**Regarding claims 6, 12, and 15**, which depends from claims 2, 9, and 13 respectively, Shah discloses that the measuring of the return trip time values by a first personal content director of the plurality of personal content directors includes computing a time difference between arrival HTTP GET request associated with a subsequent access to the first personal content director and arrival of a final acknowledgement packet at the first personal content director (Column 11, lines 23 – 29; it takes the http get request, forwards it to the local DRP, which then use the GET request to get the client location, and measure the RTT).

### Response to Arguments

Applicant's arguments filed June 29, 2007 have been fully considered but they are not persuasive.

The applicant argues that the combination does not teach determining a most proximate local domain for a client based on subsequent access to download data, but the limitation is unclear how exactly one can use future access information to determine current measurements. Shah teaches determining the most proximate location based on the client's communication as seen in Column 9, lines 45 – 65.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Bates whose telephone number is (571) 272-

3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin Bates
August 7, 2007

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER